## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

RACHEL RAMSBOTTOM, and	
ALEXIS BOWLING,	
JENNA HOUSTON,	
	)
	)
Plaintiffs,	)
	) CIVIL ACTION NO. 3:21-cv-00272
<b>v.</b>	)
	) JURY TRIAL DEMANDED
LORIN ASHTON,	)
	)
	)
Defendant.	)
	)

## MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF MOTION TO CLARIFY

Defendant, Lorin Ashton, by and through his attorneys, respectfully submits this Motion for Leave to File a Reply in Support of his Motion to Clarify In support of his Motion, Ashton states as follows:

- 1. On Wednesday, September 28, 2022, the Court held a discovery dispute telephone conference with counsel for the parties. (*See* Minute Entry of Sep. 28, 2022.)
- 2. The Court made a number of oral rulings during the telephone conference, which lasted approximately one hour and fifteen minutes. (*See id.*)
- 3. Later in the day on September 28, 2022, the Court issued an Order addressing some of the topics addressed during the conference. (Dkt. 122, the "Order.")
- 4. Because the parties believe that certain portions of the Order were inconsistent with the Court's oral rulings made during the telephonic conference, the undersigned counsel engaged in meet and confer efforts with Plaintiff's counsel.
- 5. Because the meet and confer efforts revealed that counsel for the parties disagreed as to the oral rulings made during the conference call, Ashton filed his Motion to Clarify on

Wednesday, October 5, 2022. (Dkt. 123.)

- 6. On Friday, October 7, 2022, Plaintiffs filed their Response. (Dkt. 124.)
- 7. Plaintiffs' Response appears to ignore the oral rulings made by the Court, and incorrectly conflates the "other known victims issue" with the "Jane Doe discovery" issue. (*See id.*)
- 8. Permitting Ashton to file a reply would assist the Court in distilling the portions of the Order upon which Ashton seeks clarification; therefore, Ashton respectfully requests that the Court grant him leave to file the five-page Reply that is attached as **Exhibit 1**.
- 9. Counsel for the Bassnectar Defendants have conferred with counsel for Plaintiffs pursuant to Local Rule 7.01(a)(1) and can report that the relief requested herein is opposed. On October 10, 2022, the undersigned counsel exchanged emails with counsel for Plaintiffs to ascertain their position on this motion. Plaintiffs' counsel stated that they would not oppose this motion to seek leave to reply so long as Defendant would not object to any further response from Plaintiffs. Defendant could not agree to that condition given that, at some point briefing must end, and neither the local rules nor the Court's practice and procedure manual contemplate sur-replies.

WHEREFORE, Ashton respectfully requests that the Court enter an order granting them leave to file the Reply attached as **Exhibit 1**.

Dated: October 11, 2022

## Respectfully Submitted,

/s/ Robert A. Peal

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## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and exact copy of the foregoing was served on the

following counsel via the Court's CM/ECF system on this 11th day of October, 2022:

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